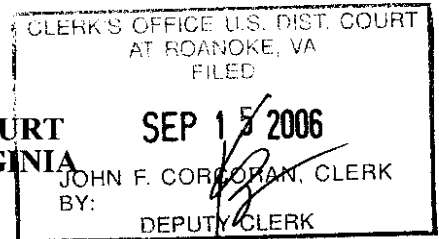


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



HARRY A. CUTCHIN,
Petitioner,

v.

EDDIE PEARSON,
Respondent.

Civil Action No. 7:06-cv-00010

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

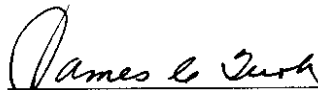
In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's objections to respondent's motion to substitute appropriate pleadings (Dkt. No. 17) are hereby **OVERRULED**; respondent's motion to dismiss (Dkt. No. 6) shall be and is hereby **GRANTED**; the petition for habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** and petitioner's motion to exceed (Dkt. No. 2) is hereby **DENIED**;⁷ and the action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 14th day of September, 2006.


Senior United States District Judge

⁷This motion argues that petitioner is entitled to a new trial because his appeal was dismissed for lack of a transcript. Petitioner raised claims in his § 2254 petition on this issue. For the same reasons that he is not entitled to habeas relief on such claims, the court denies his "motion to exceed."